

### **Remarks**

In response to the Office Action mailed on April 2, 2009, Applicants respectfully request reconsideration in view of the following remarks. In the present application, claims 1, 23, and 46 have been amended for clarification. Support for the amended claims may be found at least on page 9, lines 11-20 in the Specification. No new matter has been added.

In the Office Action, claims 1-2, 5-17, 20-29, 32-34, 37-38, and 40-46 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Shoff et al. (US 6,240,555, hereinafter “Shoff”) in view of Blackketter et al. (US 2005/0240982, hereinafter “Blackketter”). Claim 39 is rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Shoff in view of Blackketter and further in view of Heer et al. (US 2005/0097600, hereinafter “Heer”).

### **Change to Attorney Docket Number**

Please note that the Attorney Docket Number for this application is now 60374.0176US01.

### **Claim Rejections - 35 U.S.C. §103(a)**

#### **Claims 1-2, 5-17, 20-29, 32-34, 37-38, and 40-46**

Claims 1-2, 5-17, 20-29, 32-34, 37-38, and 40-46 are rejected as being as being allegedly unpatentable over Shoff in view of Blackketter. The rejection of these claims is respectfully traversed.

Amended independent claim 1 is patentably distinguishable over the cited art for at least the reason that it recites, for example, “causing an interactive icon having the at least one attribute identified by the trigger attribute data to be displayed intermittently, until receiving user input selecting the interactive icon, for a plurality of display time periods via a display device,

wherein each of the plurality of display time periods is separated by a sleep time duration during which display of the interactive icon is suspended.” Support for this amendment may be found on at least on page 9, lines 11-20 in the Specification. Amended independent claims 23 and 46 recite similar features as amended independent claim 1.

The combination of Shoff and Blacketter fails to teach, disclose, or suggest at least the aforementioned recitation from amended claim 1. For example, Shoff discusses an interactive entertainment system for presenting supplemental interactive content with video programs, where a display icon can be provided on a display screen showing the program to indicate whether the program is interactive compatible. (See col. 2, line 55 through col. 3, line 27). As conceded in the Office Action, Shoff fails to disclose “for a plurality of time periods via a display device, wherein each of the plurality of time periods is interspaced by a sleep time duration during which display of the interactive icon is suspended.” Shoff also fails to disclose the intermittent display of an interactive icon for a plurality of display time periods via display device, as specified in amended claim 1. In contrast, Shoff merely discusses the use of a display icon to indicate whether a program is interactive compatible.

Blacketter fails to overcome the deficiencies of Shoff. Blacketter discusses that, after a predetermined time period, displayed indicators for identifying an online mode for an interactive television device, are removed from a display device thereby avoiding the creation of a distraction to a viewer that is not interested in activating an interactive mode or an online mode. (See paragraph 39). Blacketter however, fails to teach, disclose, or suggest “causing an interactive icon having the at least one attribute identified by the trigger attribute data to be displayed intermittently, until receiving user input selecting the interactive icon, for a plurality of display time periods via a display device, wherein each of the plurality of display time periods is

separated by a sleep time duration during which display of the interactive icon is suspended.” In particular, Blackketter is silent with respect to the intermittent display of an interactive icon for a plurality of display time periods each of which are separated by a sleep time duration because Blackketter fails to suggest intermittent functionality. Instead, Blackketter merely discusses a single instance in which displayed indicators are removed after a predetermined time period to avoid creating a distraction to viewers who do not wish to activate an interactive or online mode. Moreover, Blackketter appears to teach away from a plurality of display time periods being separated by a sleep time duration because such functionality would defeat Blackketter’s purpose for removing displayed indicators (i.e., to avoid creating a user distraction). In other words, the intermittent display of interactive icons separated by sleep time durations would appear to create a user distraction for users uninterested in activating an interactive or online mode. Therefore, it is respectfully submitted that one of ordinary skill in the art would not have been motivated to modify Shoff based upon Blackketter in the manner suggested in the Office Action.

The combination of Shoff and Blackketter would not have led to the claimed invention because these references fail to at least teach, disclose, or suggest “causing an interactive icon having the at least one attribute identified by the trigger attribute data to be displayed intermittently, until receiving user input selecting the interactive icon, for a plurality of display time periods via a display device, wherein each of the plurality of display time periods is separated by a sleep time duration during which display of the interactive icon is suspended.” Accordingly, independent claims 1, 23, and 46 patentably distinguish the claimed invention over the cited references, and Applicants respectfully request withdrawal of the current rejection of these independent claims.

Dependent claims 2, 5-17, 20-22, 24-29, 32-34, 37-38, and 40-45 also patentably distinguish the claimed invention over the cited references at least for the reasons described above regarding amended independent claims 1 and 23, and by virtue of their dependency upon the aforementioned claims. Accordingly, Applicants respectfully request withdrawal of the current rejection of these dependent claims.

#### Claim 39

Claim 39 is rejected as being as being allegedly unpatentable over Shoff in view of Blackketter and Heer. The rejection of this claim is respectfully traversed.

Dependent claim 39 specifies at least the same features as amended independent claim 23 and thus patentably distinguishes the claimed invention over the combination of Blackketter and Heer at least for the reasons described above regarding amended independent claim 23, and by virtue of its dependency upon the aforementioned claim.

Heer fails to overcome the deficiencies of Shoff and Blackketter. For example, Heer discusses the rendering of a UI on a video display device in conjunction with broadcast content. (See paragraph 4). Heer however, is silent with respect to “causing an interactive icon having the at least one attribute identified by the trigger attribute data to be displayed intermittently, until receiving user input selecting the interactive icon, for a plurality of display time periods via a display device, wherein each of the plurality of display time periods is separated by a sleep time duration during which display of the interactive icon is suspended,” as specified in claim 39.

The combination of Shoff, Blackketter, and Heer would not have led to the claimed invention because these references fail to at least teach, disclose, or suggest “causing an

interactive icon having the at least one attribute identified by the trigger attribute data to be displayed intermittently, until receiving user input selecting the interactive icon, for a plurality of display time periods via a display device, wherein each of the plurality of display time periods is separated by a sleep time duration during which display of the interactive icon is suspended.” Accordingly, dependent claim 39 patentably distinguishes the claimed invention over the cited references, and Applicants respectfully request withdrawal of the current rejection of this claim.

### **Conclusion**

The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. Thus, the claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

In view of the foregoing remarks, Applicants respectfully submit that the claimed invention embodiments, as amended, are neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner’s reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,

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